

REMARKS

This application has been amended in a manner that is believed to place it in condition for allowance at the time of the next Official Action.

Claims 1-5 and 7-14 are pending in the present application. Claim 6 has been cancelled. Claims 1-5 and 7-14 have been amended. Support for the amended claims may be found generally throughout the specification and original claims. The Examiner's attention is also directed at page 49, lines 1-10 and page 9, Scheme I.

In the outstanding Official Action, claim 12 was rejected under 35 USC §112, first paragraph. The outstanding Official Action alleged that while the specification was enabling for an agent for treating certain strains of human cancer cell lines *in vitro*, the specification was not enabling for an agent for treating all cancers. It is believed that the present amendment obviates this rejection.

Claim 12 has been amended to recite a process for inhibiting a tumor in a patient comprising administering an effective amount of the claimed compound to said patient. It is believed that claim 12 is supported by the present disclosure.

Indeed, applicants note that the present disclosure clearly shows one of ordinary skill in the art how to make and use the claimed invention. Beginning on page 9, the specification explains how to produce the claimed method.

Beginning on page 54, the present disclosure explains that the compounds of Formulas I and Ia may be used as active principles of drugs and provides guidance as to how to administer the claimed drugs and in what amounts to administer the claimed drugs. Thus, it is believed that the present disclosure enables a method for inhibiting tumors in a patient.

In the outstanding Official Action, claims 6 and 7 were rejected under 35 USC §101. The outstanding Official Action alleged that the claims were directed to a "use" and did not satisfy the statutory provisions of 35 USC §101. Claims 6 and 7 were also rejected under 35 USC §112, first paragraph. The Official Action alleged that one skilled in the art would not know how to use the claimed invention. It is believed that the present amendment obviates these rejections.

As noted above, claim 6 has been cancelled. Claim 7 has been amended to recite a process that is now dependent on claim 12. Thus, it is believed that claims 6 and 7 satisfy the requirements of 35 USC §101 and 35 USC §112, first paragraph.

Claims 1-10 were rejected under 35 USC §102(b) as allegedly being anticipated by SCHMITZ et al. This rejection is respectfully traversed.

SCHMITZ et al. teach a polycyclic aromatic alkaloids, isolated from marine organisms. While the Official Action alleges that the claimed invention does not exclude compounds according to Formula Ia wherein X=O, R<sub>1</sub>, R<sub>2</sub>, R<sub>3</sub>, R<sub>4</sub>, R<sub>6</sub>, R<sub>7</sub>=H, and

$R_5=OH$ , applicants note that  $R_3=H$  is excluded from Formula I and Ia in claims 1, 8 and 10. Thus, it is believed that SCHMITZ et al. fail to anticipate the claimed invention.

Claim 13 was rejected under 35 USC §102(b) as allegedly being anticipated by BRACHER et al. BRACHER et al. are directed to anticancer drugs derived from marine organisms. The Official Action alleged that BRACHER et al. disclose a process for preparing compounds according to Formula 4a and 4b which read on the claimed process. However, applicants note that claim 13 is directed to a process for preparing compounds of Formula I and Ia, where  $R_3$  is different from H. As a result, it is believed that BRACHER et al. fail to anticipate the claimed invention.

In view of the present amendment and the foregoing remarks, it is believed that this application is now in condition for allowance, with claims 1-5 and 7-14, as presented. Allowance and passage to issue on that basis are accordingly respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

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overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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